

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

PHILLIP B. HAUSKEN,

Plaintiff,

vs.

CUS LYNN BELANGER and
DANLEVY,

Defendants.

NO. CV-13-259-JPH

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING ACTION

1915(g)

BEFORE THE COURT is Magistrate Judge Hutton's Report and Recommendation to dismiss this for failure to state claims upon which relief may be granted, ECF No. 26. Plaintiff, a *pro se* prisoner at the Monroe Correctional Complex - Special Offenders Unit, did not file objections. Rather, on November 18, 2013, Plaintiff submitted a letter which he asks the Court to regard as "anti-dismissal material," ECF No. 27.

Once again, Plaintiff's complaint for monetary damages for the unauthorized deprivation of his property fails to state a claim under 42 U.S.C. § 1983 for which relief may be granted. *Hudson v. Palmer*, 468 U.S. 517, 533 (1984); *Parratt v. Taylor*, 451 U.S. 527, 544 (1981). Therefore, **IT IS ORDERED** the Report and Recommendation is **ADOPTED** in its entirety and this action is **DISMISSED with prejudice**. 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1)

Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who brings

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1 three or more civil actions or appeals which are dismissed as frivolous or for failure to
2 state a claim will be precluded from bringing any other civil action or appeal *in forma*
3 *pauperis* “unless the prisoner is under imminent danger of serious physical injury.” 28
4 U.S.C. § 1915(g). **Plaintiff is advised to read the new statutory provisions under 28**
5 **U.S.C. § 1915. This dismissal of Plaintiff's complaint may count as one of the three**
6 **dismissals allowed by 28 U.S.C. § 1915(g) and may adversely affect his ability to file**
7 **future claims.**

8 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
9 Order, enter judgment, forward copies to Plaintiff at his last known address, and close
10 the file. The District Court Executive is further directed to forward a copy of this Order
11 to the Office of the Attorney General of Washington, Criminal Justice Division. The
12 Court certifies any appeal of this dismissal would not be taken in good faith.

13 **DATED** this 22nd day of November, 2013.

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15 *s/Lonny R. Suko*

16 LONNY R. SUKO
17 SENIOR U. S. DISTRICT JUDGE
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